

REMARKS

Claims 1-21 and 29 – 32 are pending. Claims 22-28 have been withdrawn. Claims 1, 6, 11, 16 and 20 have been amended. Claim 2 has been canceled. Claims 29 – 32 have been added.

Claim Rejections

In section 8 of the Office Action, the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. §102(e) as being anticipated by Chanos et al. Applicants submit that claim 1, as amended, is patentable over the cited art by at least reciting:

A method of receiving software over a network, the method comprising:
selecting an application software from a first web site coupled to a network, the application software being selected by a user at a client computer coupled to the network;
downloading a packaging file on the client computer, the packaging file including the selected application software and a first stage software, the first stage software including instructions for downloading another application software in chunks from a second web site coupled to the network using an unnoticeable percentage of available bandwidth;
accepting the other application software for download from the second web site to the client computer;
running the first stage software; and
downloading the other application software onto the client computer.

Support for the additional limitations is found throughout the specification as filed, e.g., at pages 14 – 16.

In contrast, none of the cited art teaches that the downloading of chunks uses an unnoticeable percentage of available bandwidth. For example, Chanos et al. makes no reference to even downloading chunks, as the Examiner states. Further, Bodin et al. (cited later in the office action), while teaching downloading in chunks, requires the user to set the portion download size, making the user aware of and capable of noticing the download and related drop in available bandwidth. Accordingly, Applicants submit that claim 1, as amended, is patentable over the cited references. Further, its dependent claims should be patentable at least by virtue of their dependency. In addition, the remaining independent claims and their dependent claims should be patentable as the independent claims have been amended similarly.

New Claims

Claims 29 – 32 have been added. Support for these additional claims is found at least at page 14 – 16 of the specification as filed. None of the claims are anticipated by the cited references and therefore should be allowable.

Conclusion

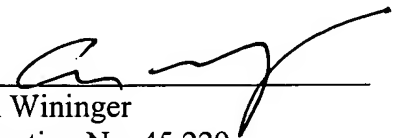
Thus, at least for the reasons stated above, claims 1, 3 – 21 and 29 – 32 as currently presented are believed to be in condition for allowance. If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3375.

In addition, if for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. 05-0150.

Date: 11/7/05

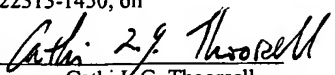
Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: Nov. 7, 2005 By: 
Cathi L.G. Thoorsell